

Apparently, the examiner misunderstands the gist of applicant's claims. Applicant uses the term "type-specific object" in the claims to mean an instance of a class. The examiner, instead, appears to understand the term to be equated to class interfaces and XML elements. This is not the meaning that Applicant intends as ascribed to the term. In fact, Applicant has used the different term "type-specific object classes" in the specification and claims to refer to classes, as appear to be the examiner's focus.

For purposes of further background to benefit the examiner, the object of AlphaWorks' XML BeanMaker was to enable the structure of a class to be defined in XML, and to allow that XML description of the structure of the class to be used to actually construct the class in a given programming language. The result or outcome of using XML BeanMaker is, therefore, the creation of one or more *classes*.

Applicant's claimed invention, on the other hand, includes systems and processes which enable desired conversion of data contained in XML documents into *typed instances* of classes (i.e., not specific creation of classes per XML description of class structure). Simply, with alphaworks the XML document (elements) produces a class; whereas, the elements in the XML document each use a class to produce instances in certain of Applicant's claimed inventions.

Applicant requests that the examiner reconsider claim 1, as well as all other claims, in view of the different term definitions for "type-specific object" versus "type-specific object classes", together with the foregoing background. In view of the term usage and background, Applicant submits that the claims should be allowed, as already written.

2. Claims 2-10 were rejected under 35 USC 103(a).

The remaining claims of the application should, likewise, be allowed with the foregoing background and definitional distinctions.

Additionally as to claim 2, the cited reference merely describes sources that an XML document contains a class declaration locatable by the code. Particularly, the class declaration is embedded in the XML document and written in XML. Applicant, instead, particularly uses the term "class declaration" to mean a compiled version of a class, where the class exists external to the XML document. Only the reference to the class is stored within the XML document

Regarding claim 3, it again appears that the examiner has misunderstood the important distinction that alphaworks creates class interfaces, whereas Applicant's claimed invention creates class instances (i.e., "type-specific objects", not type-specific object classes).

As to claim 4, Applicant's claimed invention describes use of XML content (e.g., describing the values of an *instance* of a class) in creation of an *instance* of a class. This distinction from alphaworks' creation of class interfaces is patentably critical.

Claim 5 is also patentably distinguishable with appropriate understanding of the use of "type-specific objects" versus "type-specific object classes".

Claims 6-10 are dependent on the just addressed patentable claims, and therefore should be allowed.

Notwithstanding Applicant's argument herein regarding the lexicon and distinguishable terms and features of Applicant's claims, Applicant submits that his invention predates the alphaworks reference. If and to the extent as may be necessary or required by the examiner, Applicant can provide appropriate dating evidence. Applicant submits that, based on the foregoing explanation and background, the dating is not critical for allowance of the claims, as the claims can now be better understood as patentably distinguished in any event.



* * * * *

Applicant, having fully responded to the Office Action, requests reconsideration and allowance of the claims, and issuance of a patent thereon. If the Examiner has any questions or wishes to discuss any matter herein, the Examiner is respectfully requested to call the undersigned at (512) 477-3830.

If any fees are due with this response the Commissioner of Patents is authorized to charge them to Deposit Account No. 50-1350.

Respectfully submitted,

Date: July 29, 2002



H. Dale Langley, Jr.
Reg. No. 35,927 

The Law Firm of H. Dale Langley, Jr.
610 West Lynn
Austin, Texas 78703
Phone: (512) 477-3830
Fax: (512) 477-4080
E-Mail: dlanglely@iptechlaw.com

A duplicate copy of this document is enclosed

Respectfully submitted,

Date: July 29, 2002


H. Dale Langley, Jr.
Reg. No. 35,927^Q

The Law Firm of H. Dale Langley, Jr.
610 West Lynn
Austin, Texas 78703
Phone: (512) 477-3830
Fax: (512) 477-4080
E-Mail: dlanglely@iptechlaw.com

COPY OF PAPER
ORIGINAL FILED